

86th Legislative Session – 2011

Committee: House Judiciary

Monday, March 07, 2011

P - Present
E - Excused
A - Absent

Roll Call

P Abdallah
P Boomgarden
P Feinstein
P Gibson
P Hansen (Jon)
P Killer
P Kopp
P Nelson (Stace)
E Russell
P Tornow
P Turbiville
P Gosch, Vice-Chair
P Hunt, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Chair Hunt.

MOTION: TO APPROVE THE MINUTES OF MARCH 2, 2011

Moved by: Turbiville
Second by: Gosch
Action: Prevailed by voice vote.

SB 172: reduce the interest rate applied for certain judgements, liens, and damages.

Presented by: Senator Joni Cutler
Proponents: Representative Brian Gosch
Tim Dougherty, 3M Company
Dick Tieszen, State Farm Insurance

Craig Matson, State Farm and SD Insurance Alliance
Ron Olinger, SD Retailers Association
David Owen, SD Chamber of Commerce & Industry
Mike Shaw, Pfizer, Inc.
Lindsey Riter-Rapp, National Federation of Independent Business
Myron Rau, SD Auto Dealer's Association
Opponents: Dean Nasser, Self, Sioux Falls (via telephone)
Steve Siegel, SD Trial Lawyers Association

MOTION: DEFER SB 172 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Hansen (Jon)
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION DO PASS SB 172

Moved by: Tornow
Second by: Boomgarden
Action: Failed by roll call vote. (4-8-1-0)

Voting Yes: Boomgarden, Nelson (Stace), Tornow, Gosch

Voting No: Abdallah, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Turbiville, Hunt

Excused: Russell

MOTION: DEFER SB 172 TO THE 41ST LEGISLATIVE DAY

Moved by: Abdallah
Second by: Hansen (Jon)
Action: Prevailed by roll call vote. (7-5-1-0)

Voting Yes: Abdallah, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Hunt

Voting No: Boomgarden, Nelson (Stace), Tornow, Turbiville, Gosch

Excused: Russell

SB 178: revise certain provisions relating to the rights and duties of joint legal custodians.

Presented by: Senator Mike Vehle
Proponents: Representative Jacqueline Sly
Tom Barnett, State Bar Association of South Dakota

MOTION: DO PASS SB 178

Moved by: Gosch
Second by: Gibson
Action: Was not acted on.

MOTION: SUBSTITUTE MOTION AMEND SB 178

178rc

On page 2 of the Senate Judiciary Committee engrossed bill, delete lines 2 to 5, inclusive.

Moved by: Tornow
Second by: Hansen (Jon)
Action: Failed by voice vote.

MOTION: DO PASS SB 178

Moved by: Gosch
Second by: Gibson
Action: Prevailed by roll call vote. (10-2-1-0)

Voting Yes: Abdallah, Boomgarden, Feinstein, Gibson, Hansen (Jon), Killer, Kopp, Nelson
(Stace), Gosch, Hunt

Voting No: Tornow, Turbiville

Excused: Russell

MOTION: REMOVE SB 164 FROM THE TABLE

Moved by: Boomgarden
Second by: Tornow
Action: Prevailed by voice vote.

MOTION: AMEND SB 164

164ra

On the Senate Judiciary Committee engrossed bill, delete everything after the enacting clause and insert:

" Section1. That subdivision (8) of § 32-6B-1 be amended to read as follows:

- (8) "Franchisee," person who receives vehicles or parts from a franchisor under a franchise and who offers and sells the vehicles or parts to the general public;

Section 2. That § 32-6B-73 be amended to read as follows:

32-6B-73. In order to transfer, assign, or sell a franchise agreement or controlling interest in the dealership to another person, a dealer shall notify the manufacturer or franchisor ~~whose vehicles the dealer is franchised to sell~~ of the dealer's decision to transfer, assign, or sell the dealership. The notification shall be by certified mail, return receipt requested, and is the application by the dealer for approval by the manufacturer or franchisor of the transfer."

Moved by: Boomgarden
Second by: Tornow
Action: Chair ruled that the amendment is not germane to the original bill.

MOTION: ADJOURN

Moved by: Gibson
Second by: Kopp
Action: Prevailed by voice vote.

Cindy Tryon
Committee Secretary

Roger W. Hunt, Chair